

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 264 – HB 941

February 24, 2018

SUMMARY OF ORIGINAL BILL: Creates the Supported Decision-Making Agreement Act (SDMAA) to define and authorize a legal option for adults with disabilities who seek assistance in making certain decisions about their lives, such as financial, medical, and other life decisions, but choose to retain their rights as the ultimate decision-maker about these decisions rather than seeking a legal representative to make such decisions on their behalf. Requires a person who receives a copy of a support decision making agreement (SDMA), or is aware of the existence of a SDMA and believes that the adult with a disability is being abused, neglected, or exploited by the supporter, to report it to the Department of Human Services.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013536): Deletes all language after the enacting clause. Adds language to Tenn. Code Ann. § 34-1-101 defining “least restrictive alternatives”.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Definitions under Tenn. Code Ann. § 34-1-101 apply to provisions of the code dealing with guardianships and conservatorships.
- The proposed legislation defines “least restrictive alternatives” as techniques and processes that preserve as many decision-making rights as practical under the particular circumstances for the person with a disability. The legislation does not make any other changes to the guardianship and conservatorship processes.
- Pursuant to Tenn. Code Ann. § 34-1-127, the court has an affirmative duty to ascertain and impose the least restrictive alternatives upon the person with a disability that are consistent with adequate protection of the person with a disability and the property of the person with a disability.

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- Establishing that such least restrictive alternatives should aim to preserve as many decision-making rights as practical under the particular circumstances for the person with a disability will not result in a significant fiscal impact on the court system.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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